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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,601	03/23/2001	James T. Lynn	GE04347	3710

7590 12/21/2005
MOTOROLA INC
101 TOURNAMENT DRIVE
HORSHAM, PA 19044

EXAMINER

DAVIS, ZACHARY A

ART UNIT PAPER NUMBER

2137

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/814,601	Applicant(s) LYNN ET AL	
	Examiner Zachary A. Davis	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 September 2005 has been entered. By this amendment, Claim 1 has been amended. No claims have been added or canceled. Claims 1-5 are currently pending in the present application.

Response to Arguments

2. Applicant's arguments filed 19 September 2005 have been fully considered but they are not persuasive.

Regarding the rejection of Claims 1-5 under 35 U.S.C. 102(e) as anticipated by Slivka et al, US Patent 6049671, and specifically regarding independent Claim 1, Applicant argues that Slivka does not teach or disclose all of the claimed limitations, in particular a load table which defines which programs a network appliance is authorized to use. The Examiner respectfully disagrees. The Examiner notes that Slivka discloses

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a summary of available software, cited in the previous actions at column 8, lines 34-37.

The Examiner further notes that, based on this summary of available software, the user authorizes which software is to be downloaded (see column 5, lines 55-65; column 6, lines 39-49; and column 8, lines 6-32; further, especially note column 8, lines 43-56, where the user chooses software to be downloaded, i.e. the user authorizes or gives permission for downloading software). Applicant additionally argues that the installation table of column 15, lines 50-55, "merely relates to the mechanics of uploading selected programs into a computer" (page 5 of the present response). The Examiner notes that this table nevertheless relates to the files that are part of the cabinet file (see column 15, lines 45-62, where the installation table lists requirements of the files in the cabinet file; see also column 16, line 55-column 17, line 1; further note column 13, lines 44-49, where the files to be installed are grouped into a cabinet file; also note column 14, lines 12-17, where the cabinet files are to be installed). The Examiner further notes that Applicant's specification states that the load table also deals with the mechanics of loading software components into a computer (see page 2, lines 27-30 of the present specification, noting that the load table lists the source and order of loading of the components).

Therefore, for the reasons detailed above, the Examiner maintains the rejection as set forth below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Slivka et al, US Patent 6049671.

In reference to Claim 1, Slivka discloses a method for securely distributing a component including signing a configuration file (the cabinet in the distribution file of column 16, line 55-column 17, line 1) including a load table (the summary of available software of column 8, lines 34-37), executing a secure kernel for checking the authenticity of the configuration file (column 17, lines 58-63) and for establishing communication with a network host (column 6, lines 12-18), verifying the authenticity of the configuration file (column 17, lines 58-63), reading the load table, and loading authorized components defined in the load table onto a network device (column 8, line 65-column 9, line 2).

In reference to Claim 2, Slivka further discloses that the loaded available software can be an operating system (the database of available software of column 7, lines 49-57, can include operating system components).

In reference to Claim 3, Slivka further discloses loading a software application (column 7, lines 49-64; column 8, line 65-column 9, line 2).

In reference to Claim 4, Slivka further discloses that the loaded available software can be services (the database of available software of column 7, lines 49-57 can include patches, fixes, and wizards).

In reference to Claim 5, Slivka further discloses generating an updated configuration file (column 8, lines 27-33), signing the updated configuration file (column 16, lines 65-67), transmitting the signed configuration file (column 8, lines 34-37), verifying the authenticity of the updated configuration file (column 17, lines 58-63), and reading the updated configuration file (column 8, lines 34-46).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Misra et al, US Patent 6189146, discloses a system for installing software in which a license pack for the software is digitally signed and distributed.
- b. Buxton, US Patent 6195794, discloses a method of creating and distributing a template for modifying software components where the templates and components are digitally signed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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